

Part 9

Service Area Act

17B-2a-901 Title.

This part is known as the "Service Area Act."

Enacted by Chapter 329, 2007 General Session

17B-2a-902 Provisions applicable to service areas.

- (1) Each service area is governed by and has the powers stated in:
 - (a) this part; and
 - (b) except as provided in Subsection (5), Chapter 1, Provisions Applicable to All Local Districts.
- (2) This part applies only to service areas.
- (3) A service area is not subject to the provisions of any other part of this chapter.
- (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All Local Districts, and a provision in this part, the provision in this part governs.
- (5)
 - (a) Except as provided in Subsection (5)(b), on or after December 31, 2012, a service area may not charge or collect a fee under Section 17B-1-643 for:
 - (i) law enforcement services;
 - (ii) fire protection services;
 - (iii) 911 ambulance or paramedic services as defined in Section 26-8a-102 that are provided under a contract in accordance with Section 26-8a-405.2; or
 - (iv) emergency services.
 - (b) Subsection (5)(a) does not apply to:
 - (i) a fee charged or collected on an individual basis rather than a general basis;
 - (ii) a non-911 service as defined in Section 26-8a-102 that is provided under a contract in accordance with Section 26-8a-405.2;
 - (iii) an impact fee charged or collected for a public safety facility as defined in Section 11-36a-102; or
 - (iv) a service area that includes within the boundary of the service area a county of the fifth or sixth class.

Amended by Chapter 189, 2014 General Session

17B-2a-903 Additional service area powers -- Property tax limitation for service area providing law enforcement service.

- (1) In addition to the powers conferred on a service area under Section 17B-1-103, a service area:
 - (a) may issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district;
 - (b) that, until April 30, 2007, was a regional service area, may provide park, recreation, or parkway services, or any combination of those services; and
 - (c) may, with the consent of the county in which the service area is located, provide planning and zoning service.
- (2) A service area that provides law enforcement service may not levy a property tax or increase its certified tax rate, as defined in Section 59-2-924, without the prior approval of:
 - (a)

- (i) the legislative body of each municipality that is partly or entirely within the boundary of the service area; and
 - (ii) the legislative body of the county with an unincorporated area within the boundary of the service area; or
- (b)
- (i) a majority of the legislative bodies of all municipalities that are partly or entirely within the boundary of the service area; and
 - (ii) two-thirds of the legislative body of the county with an unincorporated area within the boundary of the service area.

Amended by Chapter 218, 2009 General Session

17B-2a-904 Regional service areas to become service areas -- Change from regional service area to service area not to affect rights, obligations, board makeup, or property of former regional service area.

- (1) Each regional service area, created and operating under the law in effect before April 30, 2007, becomes on that date a service area, governed by and subject to Chapter 1, Provisions Applicable to All Local Districts, and this part.
- (2) The change of an entity from a regional service area to a service area under Subsection (1) does not affect:
 - (a) the entity's basic structure and operations or its nature as a body corporate and politic and a political subdivision of the state;
 - (b) the ability of the entity to provide the service that the entity:
 - (i) was authorized to provide before the change; and
 - (ii) provided before the change;
 - (c) the validity of the actions taken, bonds issued, or contracts or other obligations entered into by the entity before the change;
 - (d) the ability of the entity to continue to impose and collect taxes, fees, and other charges for the service it provides;
 - (e) the makeup of the board of trustees;
 - (f) the entity's ownership of property acquired before the change; or
 - (g) any other powers, rights, or obligations that the entity had before the change, except as modified by this part.

Enacted by Chapter 329, 2007 General Session

17B-2a-905 Service area board of trustees.

- (1)
 - (a) Except as provided in Subsection (2) or (3):
 - (i) the initial board of trustees of a service area located entirely within the unincorporated area of a single county may, as stated in the petition or resolution that initiated the process of creating the service area:
 - (A) consist of the county legislative body;
 - (B) be appointed, as provided in Section 17B-1-304; or
 - (C) be elected, as provided in Section 17B-1-306;
 - (ii) if the board of trustees of a service area consists of the county legislative body, the board may adopt a resolution providing for future board members to be appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306; and

- (iii) members of the board of trustees of a service area shall be elected, as provided in Section 17B-1-306, if:
 - (A) the service area is not entirely within the unincorporated area of a single county;
 - (B) a petition is filed with the board of trustees requesting that board members be elected, and the petition is signed by registered voters within the service area equal in number to at least 10% of the number of registered voters within the service area who voted at the last gubernatorial election; or
 - (C) an election is held to authorize the service area's issuance of bonds.
- (b) If members of the board of trustees of a service area are required to be elected under Subsection (1)(a)(iii)(C) because of a bond election:
 - (i) board members shall be elected in conjunction with the bond election;
 - (ii) the board of trustees shall:
 - (A) establish a process to enable potential candidates to file a declaration of candidacy sufficiently in advance of the election; and
 - (B) provide a ballot for the election of board members separate from the bond ballot; and
 - (iii) except as provided in this Subsection (1)(b), the election shall be held as provided in Section 17B-1-306.
- (2)
 - (a) This Subsection (2) applies to a service area created on or after May 5, 2003, if:
 - (i) the service area was created to provide:
 - (A) fire protection, paramedic, and emergency services; or
 - (B) law enforcement service;
 - (ii) in the creation of the service area, an election was not required under Subsection 17B-1-214(3)(d); and
 - (iii) the service area is not a service area described in Subsection (3).
 - (b)
 - (i) Each county whose unincorporated area is included within a service area described in Subsection (2)(a), whether in conjunction with the creation of the service area or by later annexation, shall appoint three members to the board of trustees.
 - (ii) Each municipality whose area is included within a service area described in Subsection (2)(a), whether in conjunction with the creation of the service area or by later annexation, shall appoint one member to the board of trustees.
 - (iii) Each member appointed by a county or municipality under Subsection (2)(b)(i) or (ii) shall be an elected official of the appointing county or municipality, respectively.
 - (c) Notwithstanding Subsection 17B-1-302(2), the number of members of a board of trustees of a service area described in Subsection (2)(a) shall be the number resulting from application of Subsection (2)(b).
- (3)
 - (a) This Subsection (3) applies to a service area created on or after May 14, 2013, if:
 - (i) the service area was created to provide fire protection, paramedic, and emergency services;
 - (ii) in the creation of the service area, an election was not required under Subsection 17B-1-214(3)(d); and
 - (iii) each municipality whose area is included within the service area or county whose unincorporated area, whether in whole or in part, is included within a service area is a party to an agreement:
 - (A) entered into in accordance with Title 11, Chapter 13, Interlocal Cooperation Act with all the other municipalities or counties whose area is included in the service area;
 - (B) to provide the services described in Subsection (3)(a)(i); and

(C) at the time a resolution proposing the creation of the service area is adopted by each applicable municipal or county legislative body in accordance with Subsection 17B-1-203(1)(d).

(b)

- (i) Each county whose unincorporated area, whether in whole or in part, is included within a service area described in Subsection (3)(a), whether in conjunction with the creation of the service area or by later annexation, shall appoint one member to the board of trustees.
 - (ii) Each municipality whose area is included within a service area described in Subsection (3)(a), whether in conjunction with the creation of the service area or by later annexation, shall appoint one member to the board of trustees.
 - (iii) Each member appointed by a county or municipality under Subsection (3)(b)(i) or (ii) shall be an elected official of the appointing county or municipality, respectively.
 - (iv) A vote by a member of the board of trustees may be weighted or proportional.
- (c) Notwithstanding Subsection 17B-1-302(2), the number of members of a board of trustees of a service area described in Subsection (3)(a) shall be the number resulting from the application of Subsection (3)(b).

Amended by Chapter 189, 2014 General Session

17B-2a-907 Adding a new service within a service area.

A service area may begin to provide within the boundaries of the service area a service that it had not previously provided by using the procedures set forth in Chapter 1, Part 2, Creation of a Local District, for the creation of a service area as though a new service area were being created to provide that service.

Renumbered and Amended by Chapter 329, 2007 General Session